

UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA
 RENO, NEVADA

RONELL X. WILLIAMS vs. HOWARD SKOLNICK, et al.

Plaintiff, vs. Defendants

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 CLERK US DISTRICT COURT
 DISTRICT OF NEVADA
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3:07-CV-391-ECR (RAM)

MINUTES OF THE COURT
 DATE: September 3, 2008

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE
Deputy Clerk: COLLEEN LARSEN Reporter: NONE APPEARING
Counsel for Plaintiff(s) NONE APPEARING
Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

On July 24, 2008, the Magistrate Judge filed a Report and Recommendation (#16) with respect to Defendants' Motion to Dismiss (#7). Plaintiff opposed the motion (#12) and Defendants did not reply. None of the parties filed objections to the Magistrate Judge's Report pursuant to 28 U.S.C. § 636(b)(1)(c) and Rule IB 3-2 of the Local Rules of Practice.

The Magistrate Judge recommended that Defendants' Motion to Dismiss (#7) be treated as a motion for summary judgment in accordance with Fed. R. Civ. Pro. 56. The Magistrate Judge's Report and Recommendation (#16) is well taken. It is neither clearly erroneous nor contrary to law.

IT IS, THEREFORE, HEREBY ORDERED that the Report and Recommendation (#16) is **APPROVED** and **ADOPTED**.

IT IS, THEREFORE, FURTHER ORDERED as follows:

- 1) Defendants' motion to dismiss Plaintiff's complaint on grounds of mootness is **DENIED**.
- 2) Defendants' motion to dismiss Plaintiff's First Amendment claim dealing with the denial of his Religious Faith Group Recognized Application on grounds that Plaintiff failed to exhaust his administrative remedies is **DENIED**.
- 3) Defendants' motion to dismiss Defendants in their official capacities on Eleventh Amendment immunity grounds is **DENIED**.

- 4) Defendants' motion to dismiss Defendants Whorton, Cox, Baca, Wallace, Neven, and Cassaleggio for lack of personal participation is **DENIED**.
- 5) Defendants' motion to dismiss Defendants Skolnik and McDaniel for lack of personal participation is **GRANTED**.
- 6) Defendants' motion for summary judgment on Plaintiff's First Amendment claim on qualified immunity grounds with respect to the Ramadan meals is **DENIED**.
- 7) Defendants' motion for summary judgment on Plaintiff's First Amendment claim on qualified immunity grounds with respect to the denial of religious garments is **DENIED**.
- 8) Defendants' motion for summary judgment on Plaintiff's First Amendment claim on qualified immunity grounds with respect to the alleged disciplinary charges and transfer is **DENIED**.
- 9) Defendants' motion for summary judgment on Plaintiff's First Amendment claim on qualified immunity grounds with respect to the denial of Plaintiff's application to recognize Nation of Islam as a religion is **GRANTED**.
- 10) Defendants' motion for summary judgment on Plaintiff's First Amendment claim on qualified immunity grounds with respect to the Ramadan meals is **DENIED**.
- 11) Defendants' motion for summary judgment on Plaintiff's Fourteenth Amendment claim on qualified immunity grounds with respect to the application to recognize Nation of Islam as a religion is **GRANTED**.

LANCE S. WILSON, CLERK

By _____ /s/
Deputy Clerk